

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

FRANK DOMINIC DUNDEE,

Plaintiff,

v.

UNIVERSITY HOSPITALS  
CORPORATION,

Defendant.

) CASE NO. 1:19CV01141

)

) JUDGE DAN AARON POLSTER

)

) MAGISTRATE JUDGE JONATHAN D.

) GREENBERG

)

)

) **DECLARATION OF DAVID J. RICCARDI,**

) **LPCC, LICDC-CS, NCC, PURSUANT TO 28**

) **U.S.C. §1746**

)

I, David J. Riccardi, LPCC, LICDC-CS, NCC, being of sound mind and over the age of eighteen, hereby declare as follows:

1. I am a Counselor with the University Hospitals Employee Assistance Program ("EAP").

2. In June 2017, Plaintiff Frank Dundee was referred to EAP by his supervisor Rachael Lerman as a result of the conflictive relationships he was having with his work colleagues.

3. On July 26, 2017, I met with Mr. Dundee in my office for a counseling session. During that session, Mr. Dundee talked at length regarding his claims against Ms. Lerman and HR Director Danialle Lynce and his disagreement with his June 2017 Corrective Action and mandatory EAP referral.

4. I performed no tests or procedures on Mr. Dundee.

5. My session with Mr. Dundee included discussion only and was completely non-invasive.

6. No medical equipment was used during my conversation with Mr. Dundee.

7. During our counseling session, I did not diagnose Mr. Dundee with a mental disability. Rather, the purpose of our session was to discuss the conduct that had led to his June 2017 Corrective Action for unprofessional behavior and his strained work relationships in general.

8. I did not at any time diagnose Mr. Dundee with a medical condition or mental disability.

9. No one told me at any time that Mr. Dundee had a mental disability or that they suspected or perceived that Mr. Dundee was mentally disabled.

10. At the end of our session, I presented Plaintiff with medical releases and recommended that he attend a psychiatric evaluation.

11. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on May 14, 2020.

**EXHIBIT**

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*David J. Riccardi, LPCC*  
David J. Riccardi, LPCC, LICDC-CS, NCC